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July 15 2008

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STATE OF MONTANA

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

July 14, 2008

Montana Supreme Court
Box 203003
Helena, MT 59620-3003

Re: Proposed 2008 Montana Code of Judicial Conduct

I have only just become aware of the recommendations of the Commission appointed in this matter. If my comments are untimely perhaps you will excuse me since I am a little "out of the loop" as to notices.

I retired as judge of the 13th Judicial District in 1984 after 15 years service. I have not practiced law since that retirement however prior to becoming a judge I had an active practice in both the criminal and civil courts.

My only comment or objection to the proposal refers to Rule 3.10 which would prohibit a full time judge of a lower court from practicing law.

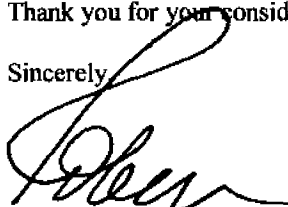
The only contact with our judicial system that the vast majority of our citizens will have is with the lower courts. It is of the utmost importance that these courts be conducted with fairness and justice and with competence. Most folks cannot afford to appeal their decisions. Whether they leave their experience with our system with a sour or good taste will depend upon the judge conducting their court. We must also remember that for most people a judge is a judge—*regardless of his or her court.*

My experience as a district judge convinces me that the judicial system needs all of the good will they can acquire. You no longer have the bi-annual confrontations with the legislature over salaries that I and my colleagues had to contend with—but nevertheless judicial good will and the perception of integrity, competence and fairness among our citizens is absolutely essential.

I intend no disparagement of the very able non-lawyer judges we are now fortunate to have in Montana—but we certainly should not be driving away our present lawyer judges and discouraging others in the future by a rule such as is proposed.

Thank you for your considerations.

Sincerely



ROBERT H. WILSON